

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Case No. 5:22-cv-00321-BO**

JAMES COLEMAN, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

HUMANA INC.,

Defendant.

**PLAINTIFF’S MOTION TO ALTER OR AMEND JUDGMENT AND
FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 59(e) and 15(a), Plaintiff James Coleman moves the Court to alter or amend the judgment of May 16, 2023, and for leave to file an amended complaint. As is set forth more fully in the memorandum of law being filed contemporaneously herewith, Plaintiff’s proposed amended complaint removes the defects that were the basis for the Court’s prior dismissal, and alteration of the judgment, and allowance of amendment of the complaint, are authorized by relevant precedent, including *Hart v. Hannover County Sch. Bd.*, 595 F. App’x 314 (4th Cir. 2012); *Katyle v. Penn Nat’l Gaming, Inc.*, 637 F.3d 462 (4th Cir. 2011); and *Laber v. Harvey*, 438 F.3d 404 (4th Cir. 2006).

Respectfully submitted,

Dated: May 30, 2023

s/ Craig Shapiro
Craig Shapiro (State Bar # 48887)
Shapiro Law Office, PLLC
644 Holly Springs Road, Suite 195
Holly Springs, North Carolina 27540
(919) 480-8885
craig@shapirolawofficepllc.com
LR 83.1(d) Counsel for Plaintiff

s/ Max S. Morgan

Max S. Morgan, Esquire

Eric H. Weitz, Esquire

THE WEITZ FIRM, LLC

1515 Market Street, #1100

Philadelphia, PA 19102

Tel: (267) 587-6240

Fax: (215) 689-0875

max.morgan@theweitzfirm.com

eric.weitz@theweitzfirm.com

LR 83.1(e) Special Appearance Counsel

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I filed the foregoing document using the Court's CM/ECF system, which will send a notice of electronic filing to all parties of record.

By: /s Craig M. Shapiro
Craig M. Shapiro